



Senate

General Assembly

File No. 242

January Session, 2009

Substitute Senate Bill No. 547

Senate, March 26, 2009

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT AUTHORIZING THE ACQUISITION OF ABANDONED CEMETERIES BY MUNICIPALITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective from passage*) (a) For the purpose of this
2 section, "abandoned cemetery" means a cemetery (1) in which no
3 burial has occurred during the previous forty years and in which the
4 lots or graves have not been maintained during the previous ten years
5 except for maintenance rendered by the municipality in which such
6 cemetery is located, or (2) in which one burial has occurred in the past
7 forty years, a permit was issued under section 7-65 of the general
8 statutes after such burial and there is one surviving owner of the
9 family plot.
- 10 (b) Any municipality may acquire an abandoned cemetery,
11 including ownership of any unoccupied lots or grave sites in such
12 cemetery. Such municipality may cause a survey of such cemetery to
13 be completed in order to ascertain the extent of such cemetery. The

14 municipality shall use due diligence in identifying any owners of the
15 abandoned cemetery or any of the cemetery's unoccupied lots or grave
16 sites and shall provide notice to such owners of the municipality's
17 intention to acquire the abandoned cemetery. In the event that a
18 municipality is unable to locate such an owner, the municipality shall
19 publish notice of its intention to acquire the abandoned cemetery in a
20 newspaper having a general circulation in such municipality. Such
21 notice shall be published for a period of three successive weeks.

22 (c) The notice described in subsection (b) of this section shall give a
23 basic description of the abandoned cemetery, by reference to the
24 municipality's tax maps, and shall set a date and place where
25 objections to the acquisition of the cemetery by the municipality will be
26 heard.

27 (d) Any owner who receives notice pursuant to subsection (b) of this
28 section may reassert his or her right of ownership over the abandoned
29 cemetery, unoccupied lot or grave site, as applicable, by sending
30 written notice of his or her objection to the municipality not later than
31 fourteen days after his or her receipt of notice pursuant to subsection
32 (b) of this section. Any owner who reasserts his or her rights pursuant
33 to this subsection shall promptly comply with all municipal ordinances
34 concerning such abandoned cemetery, unoccupied lot or grave site.

35 (e) In the event that no objection is received by the municipality
36 pursuant to subsection (d) of this section not later than fifteen days
37 after the last date of publication of the notice described in subsections
38 (b) and (c) of this section, title to such abandoned cemetery and any
39 unoccupied lots or graves shall vest in such municipality. Whenever
40 title vests in a municipality pursuant to this subsection, such
41 municipality shall record a confirmation of such vesting, including a
42 basic description of the cemetery, on the land records of the
43 municipality in which such cemetery is located.

44 (f) If title to an abandoned cemetery vests with a municipality
45 pursuant to subsection (e) of this section, such municipality shall
46 maintain title to such cemetery, shall not transfer title to such

- 47 cemetery, and shall maintain the characteristics of such cemetery and
48 make no changes in the use of such cemetery land.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
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Statement of Legislative Commissioners:

In subdivision (2) the phrase "expost facto permit" was deleted and replaced with "a permit was issued under section 7-65 of the general statutes after such burial and" for clarity and in subsection (f), the phrase "For any such cemetery, the municipality that gains title pursuant to subsection (e) of this section" was deleted as redundant.

PD *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 10 \$	FY 11 \$
Various Municipalities	Cost	Potential Minimal	Potential Minimal

Explanation

The bill could result in a cost to municipalities associated with publishing a notice of its intention to acquire an abandoned cemetery in a local newspaper for three successive weeks. If acquired, the municipalities must maintain the property and cannot make changes to the use of the land.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 547*****AN ACT AUTHORIZING THE ACQUISITION OF ABANDONED CEMETERIES BY MUNICIPALITIES.*****SUMMARY:**

This bill allows municipalities, under certain circumstances, to acquire an abandoned cemetery, including ownership of any of its unoccupied lots or grave sites. It specifies notice requirements for such acquisitions and allows the owner of the cemetery, lot, or grave site to object to acquisition.

EFFECTIVE DATE: Upon passage

ACQUISITION OF ABANDONED CEMETERIES

The bill allows a municipality to acquire an abandoned cemetery, including ownership of any unoccupied lots or grave sites in it. Under the bill, an abandoned cemetery is one where no burial has occurred during the previous 40 years and in which the lots or graves have not been maintained during the last 10 years except for maintenance by the municipality. A cemetery is also considered abandoned if one burial has occurred in the past 40 years when a permit was issued after the burial and there is one surviving owner of a family plot, if the municipality where the cemetery is located fully complies with the bill's notice requirements and sends the notice to the surviving owner.

The municipality may cause a survey of such cemetery to be completed to ascertain its extent. It must use due diligence to identify any owners of the abandoned cemetery or any its unoccupied lots or grave sites. It must notify the owners of the municipality's intention to acquire the cemetery. If a municipality cannot locate the owners, it must publish notice of its intention to acquire the cemetery in a

newspaper having a general circulation in the municipality. The notice must be published for three successive weeks. It must give a basic description of the cemetery, by reference to the municipality's tax maps, and set a date and place where the municipality will hear objections to the acquisition.

Any owner who receives the notice may reassert his or her right of ownership over the cemetery, unoccupied lot, or grave site by sending written notice of his or her objection to the municipality within 14 days after receiving the notice. Any owner who reasserts his or her rights must promptly comply with all municipal ordinances concerning the cemetery, unoccupied lot, or grave site.

If the municipality receives no objection within 15 days after the last date of publication of the notice, title to the cemetery and any unoccupied lots or graves vests in the municipality. The municipality must (1) record a confirmation of the vesting, including a basic description of the cemetery, on the municipality's land records; (2) maintain title to the cemetery and may not transfer the title; and (3) maintain the cemetery's characteristics and make no changes in the use of its land.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 20 Nay 0 (03/06/2009)